Application No. 09/980,106
Filed: April 9, 2002
TC Art Unit: 1745
Confirmation No.: 1182

REMARKS

Claims 1-24 are pending in the present application. Claim 11 is amended herein. Accordingly, claims 1-24 will be pending upon entry of the instant amendments.

Support for the amended claim can be found throughout the specification and encompassed by the scope of the claims as originally filed. For example, support for the amendment to claim 11 can be found, at least, for example, on page 5, lines 25-26, of the specification. No new matter has been added.

Any amendments to the claims should in no way be construed as acquiescence to any of the Examiner's rejections and were done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

Drawings

The specification was appropriately amended with respect to the reference numeral 56, which was originally designated as both the bypass and the heat destroyer. The bypass was correctly identified with the appropriate numeral designation.

The reference numeral 84 described in the specification was appropriately added into Fig. 1.

Fig. 1 was also amended to correctly designate the reference numeral 44 to the controllable by-pass connection.

Accordingly, these amendments overcome the objections to the drawing.

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Specification

The abstract of the invention is amended herein for clarity and in compliance with the formal requirements for an abstract.

Claim Rejections - 35 U.S.C. §112

Claim 11 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants have appropriately amended claim 11 for further clarification thereby overcoming the rejection.

Claim Rejections - 35 U.S.C. §102

Claims 1-4, 8 and 14-19 are rejected under 35 U.S.C. §102(b) as being anticipated by the Australian publication AU 9724945.

Applicants respectfully traverse the foregoing rejection.

The present invention is directed to a system for generating electric energy and heat using a fuel processor for generating hydrogen from a hydrocarbon compound and a combustion path. The system is provided with a first and a second heat exchanger. The first heat exchanger exchanges heat between the combustion path and the first heating circuit which includes a fuel cell. The second heat exchanger exchanges heat between the combustion path and the second heating circuit which includes a fuel processor. The generated hydrogen undergoes combustion where the fuel cell assists in generating electric energy and, optionally, the fuel processor assists in generating heat.

Contrary to the Examiner's assertions, the AU'945 publication fails to anticipate each and every element of the claimed invention. The AU'945 publication discloses a combustion path (30', 120") and an air supply path (20'). It further describes that a first heat exchanger (B) is provided for exchanging heat

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between the combustion path (120") and the air supply path (20'). Additionally, a second heat exchanger (7) is provided for exchanging heat between the combustion path (120") and the prereformer (3). Distinguishable from the AU'945 publication, the present invention provides a first heating circuit and a separate second heating circuit, where the first heating circuit comprises a fuel cell and the second heating circuit comprises a fuel processor. The first and second heating circuits described in the present invention are not anticipated by the cited publication. Furthermore, in the first heating circuit of the present invention, a fuel cell is provided. Therefore, the first heat exchanger in the present invention comprises the exchange of heat between a combustion path and the first heating circuit, which includes a fuel cell. In the first heat exchanger of the AU'945 publication, heat is exchanged between the combustion path (120") and the air supply path (20'). This is plainly distinguishable from the cited publication such that the AU'945 publication cannot anticipate the claimed invention. Additionally, the second heat exchanger of the AU'945 publication, heat is exchanged between the combustion path (120") and the prereformer (3) which is also distinguishable from the present invention. For these and other reasons, the AU'945 publication fails to anticipate or make obvious the claimed invention. Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

Allowable Subject Matter

Applicants gratefully acknowledges that claims 5-7, 9-10, 12-13 and 20-24 would be allowable if rewritten in independent form.

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Claim 11 would also be allowable if rewritten to overcome the 35 U.S.C. §112, second paragraph, rejection.

CONCLUSION

Based on the foregoing, entry of the amendments and remarks presented herein, reconsideration and withdrawal of all the rejections and allowance of the application with all pending claims are respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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CSK/knr
Enclosure
300698-1

Title: FUEL CELL SYSTEM FOR GENERATING ELECTRIC ENERGY AND HEAT
Inventor Name: Anton Scholten et al.
Appl. No. 09/980,106
Docket No.: VER-153XX

REPLACEMENT SHEET

1/1

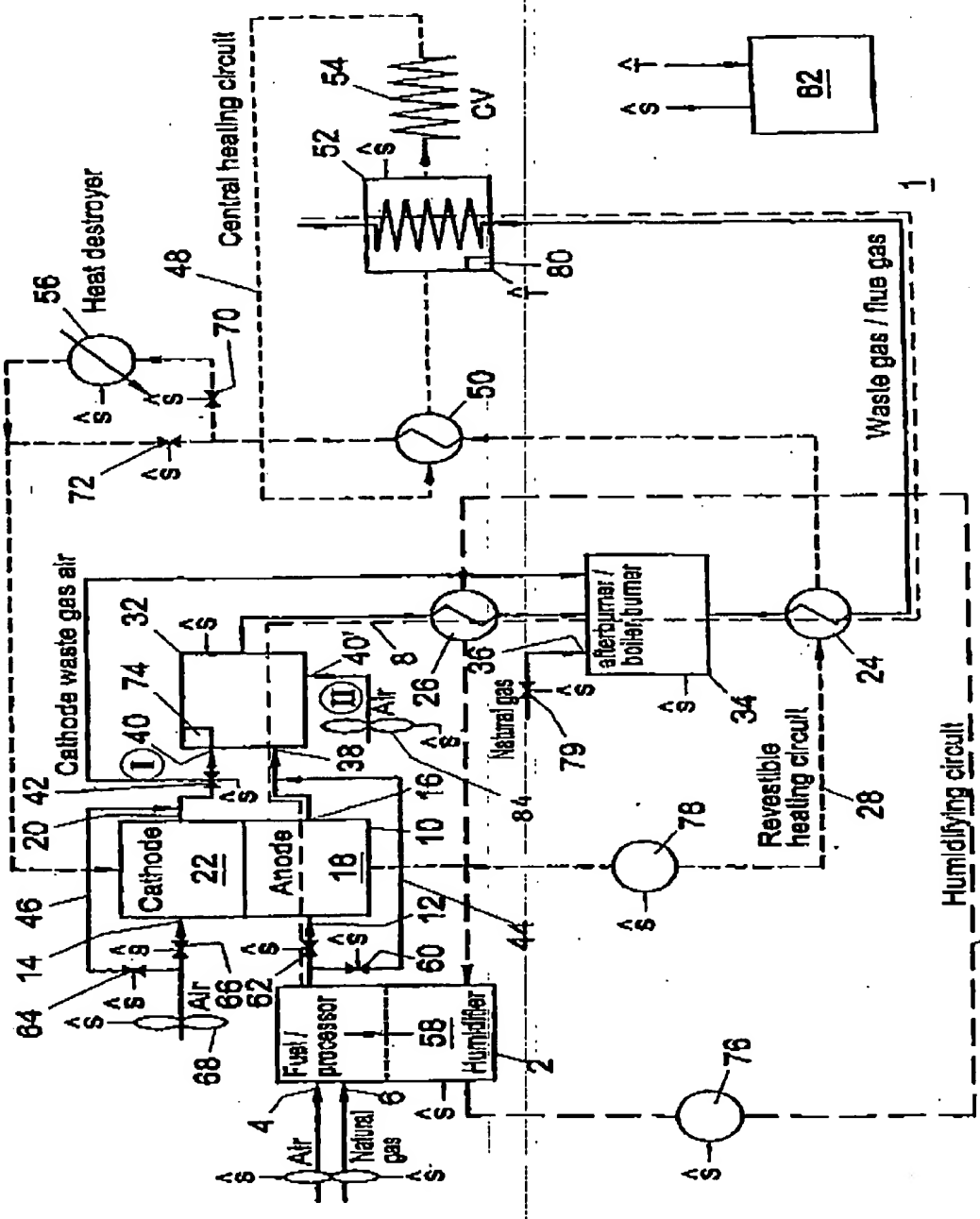

FIG. 1